

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:10CR80
	§	
SARRA MARIE ARMSTRONG	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 14, 2014, to determine whether Defendant violated her supervised release. Defendant was represented by Frank Henderson. The Government was represented by Shamoil Shipchandler.

On April 27, 2011, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 30 months imprisonment followed by a three-year term of supervised release for the offenses of: 1) Manufacturing Counterfeit Obligations of the United States; and 2) Uttering Counterfeit Obligations of the United States. Defendant began her term of supervision on June 19, 2012.

On May 23, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the “Petition”) (Dkt. 41). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other

dangerous weapon; (3) Defendant shall not commit another federal, state, or local crime; (4) Defendant shall not commit another federal, state, or local crime; (5) Defendant shall not associate with any person engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; (6) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; (7) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; (8) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (9) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment; and (10) Defendant shall not leave the judicial district without the permission of the court or probation officer.

The Petition alleges that Defendant committed the following violations: (1) On or about January 11, 2013, Defendant was arrested by the Kingston, Oklahoma, Police Department and charged with Assault with a Dangerous Weapon in violation of Title 21 O.S. § 645. It is alleged that while in police custody she retrieved a .357 caliber revolver from an officer's desk drawer, pointed it at officers David Ervin, J.T. More, and Klynt Abrahamson without justifiable or excusable cause with intent to do bodily harm to said officers. While officers were trying to disarm her, Defendant pulled the trigger three times. The gun was not loaded; (2) On or about January 11, 2013, Defendant was arrested by the Kingston, Oklahoma, Police Department and charged with two Counts of Burglary in the Second Degree in violation of Title O.S. § 1435. In Count 1 it is alleged on or about January 10, 2013, Defendant and Gary Cummings burglarized a building located at 1109 North

Highway 70, in the City of Kingston owned by Nelson Family Dentistry and in which property of value was contained, by breaking the lock off the door and entering, with the intent to commit larceny by taking a red colored Craftsman tool box. In Count 2 it is alleged on or about January 10, 2013, Defendant and Gary Cummings broke into a van bearing license number Y46711 and a van bearing license number 26103Y located at 709 Highway 70 East, in the City of Kingston owned by Family Medical Supply and in which property of value was contained, by breaking out the front door window of one van and the passenger side window of one van, with the intent to commit larceny. Additionally, it is alleged on or about January 11, 2013, Defendant and Gary Cummings committed the offense of Knowingly Concealing Stolen Property in violation of Title 21 O.S. 1713. It is alleged they concealed a 12 volt battery charger and a 850 AMP Interstate Marine battery that had been stolen from Eddie R. Newell, the owner of the property on January 8, 2013, and they knew or had reasonable cause to believe had been stolen; (3) On April 4, 2013, Defendant was charged by Complaint in the Grayson County, Texas Court at Law #1 of committing the offense of Theft of Property, on or about December 30, 2012, in violation of Texas Penal Code § 31.03(e)(3); (4) On November 8, 2012, Defendant was instructed by the U.S. Probation Office to no longer associate with Gary Cummings, a person who has previously been convicted of a felony. Defendant violated this condition as evidenced by her involvement with him while engaging in criminal activity on or about December 30, 2012, and January 10, 2013; (5) On or about January 4, 2013, Defendant called a detective with the Sherman, Texas Police Department concerning a Theft of Property wherein she and Gary Cummings were suspects. Defendant never notified the probation officer of being questioned by a law enforcement officer; (6) On October 2, 2012, Defendant submitted a urine specimen that tested positive for methamphetamine and being under the influence on or about

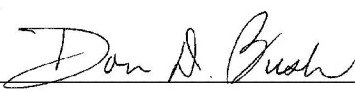
January 10, 2013; (7) On January 11, 2013, Defendant admitted to using methamphetamine and being under the influence on or about January 10, 2013; (8) On January 2, 2013, the U.S. Probation Office spoke with Darren Armstrong who reported Defendant moved on December 17, 2012, and her whereabouts was unknown. Defendant failed to notify the U.S. Probation Officer prior to or after she changed her residence; and (10) Defendant was arrested on January 11, 2013, in Kingston, Oklahoma, where she did not have permission to travel outside the jurisdictional boundaries of the Eastern District of Texas.

At the hearing, Defendant entered a plea of true to Allegations 3, 4, 5, 6, 7, 8, 9, and 10 of the Petition. The Government abandoned allegation No. 1. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release and that her supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 14, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months to run consecutively with any sentence being served, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Alderson, West Virginia, if appropriate.

**SIGNED this 20th day of March, 2014.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE